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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,595	08/19/2003	Kaneo Yajima	520.43033X00	2792
24956 7590 08/30/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER TUCKER, WESLEY J	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,595	Applicant(s) YAJIMA, KANEO	
	Examiner Wes Tucker	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6-25-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed June 25th 2007 has been entered and made of record.
2. Applicant' has amended claims 1-6 and 8-11. claims 1-11 remain pending.
3. Applicant's remarks have been fully considered, but have are not found persuasive fro at least the following reasons:

Applicant refers to an attachment sheet in the response that details Figs. 12 and 13 of Wada in order to distinguish between Wada and the present invention. Examiner never received the attached sheet. Applicant is encouraged to include it in the next response. However Figs. 12 and 13 are not relied upon in Examiner's previous response. Figs. 12 and 13 are very general in their description of Wada's invention. The more pertinent figure is Fig. 11, which was previously relied upon and is far more detailed in its disclosure. Applicant argues that the image transmission and reception apparatus claimed in claim 1 are different than those disclosed by Wada, however, the claim language must distinguish these devices. A secondary reference to Rhodes is introduced to teach the newly amended portions of the claims with regard to the recording side of the invention. This rejection was necessitated by the amendments and is therefore made FINAL

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,744,461 to Wada et al.

With regard to claim 6, Wada discloses an image signal transmission apparatus comprising: an image pick-up unit for picking-up an object (Fig. 11);

a position input unit for generating position information relating to a predetermined privacy-related image part (column 2, lines 29-48);

a position data adding unit coupled with said image pick-up unit for superimposing said position information obtained from said position input unit into said image signal obtained from said image pick-up unit (Fig. 11, element 45 and column 7, lines 24-30 and column 10, lines 25-34 and column 2, lines 38-48). Wada discloses the DSP (45), which determines the privacy image portion to be masked in the image output.

Wada further discloses an image signal output unit for outputting said image signal to which said position information is added (Fig. 11, element 46 and column 8,

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lines 31-41, and column 2, lines 59-67). Wada discloses outputting the image with the masked portion coordinates for image viewing on the monitor or personal computer.

With regard to claim 7, Wada discloses an image signal transmission apparatus according to claim 6, wherein said position information obtained from said position input unit is superimposed on a vertical blanking period of said image signal obtained from said image pick-up unit (column 10, lines 5-9 and 25-34). Wada discloses coordinates of the masking superimposed on the image.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patents 6,744,461 to Wada and 5,745,166 to Rhodes.

With regard to claim 1, Wada discloses a surveillance camera apparatus comprises an image signal transmission apparatus transmitting an image signal and an

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image signal reception apparatus receiving said image signal from said image signal transmission apparatus (column 5, lines 42-60 and column 7, lines 24-29),

wherein said image signal transmission apparatus comprises an image pick-up unit for picking-up an object (Fig. 11, element 44);

a position input unit for generating position information relating to a predetermined privacy-related image part (column 7, lines 1-23 and column 8, lines 8-30);

a position data adding unit coupled with said image pick-up unit, for superimposing said position information into said image from said image pick-up unit (Fig. 11, element 45 and column 7, lines 24-30 and column 10, lines 25-34). Wada discloses the DSP which determines the privacy image portion to be masked in the image output.

Wada further discloses an image signal output unit for outputting said image signal with said position information obtained from said position input unit (Fig. 11, element 46 and column 8, lines 31-41). Wada discloses outputting the image with the masked portion coordinates for image viewing on the monitor or personal computer.

Wada further discloses wherein said image signal reception apparatus comprises:

an image signal input unit for applying said image signal with said position information from said image signal transmission apparatus (column 8, lines 10-50).

When the image is output for viewing it is necessary that position information about the masked portion is known and masked.

a position information detector for detecting said position information from said image signal (column 8, lines 42-61);

Wada does not explicitly disclose a recorder to be used with the masking algorithm, however one of ordinary skill in the art will appreciate that a security system implementation is not very useful without recording the obtained footage somewhere. The disclosure of Wada is not concerned with the details of recording.

Wada further does not explicitly provide the option of selectively outputting either the image with the masked portion or the image without the masked portion alternatively as claimed. Wada does disclose allowing for a user with administrative privileges to opt in and out of the masking process (column 3, lines 4-12, column 10, lines 34-39 and column 11, lines 21-24). So clearly Wada understands the importance of allowing the option of using or not using the masked portion.

Rhodes discloses a system for allowing text inserted in a video surveillance image to be turned on or off according to a user's preference. The text sometimes masks important desirable information in the image and it is therefore sometimes necessary to remove it. Rhodes teaches and discloses the claimed features not taught by Wada:

Rhodes discloses a recorder for recording said image signal without masking or with masking (column 8, lines 32-50); and

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an image signal output unit for outputting said image signal without masking or with masking from said recorder (column 8, lines 32-50); and

a controller for selectively outputting said image signal output unit, one of said image signal without masking and said image signal with masking said predetermined privacy-related image part based on said position information from said position information (column 8, lines 32-50).

Rhodes teaches (column 1, lines 45-52) that sometimes the text portions inserted on the video image sometimes, obscure important image data. Therefore it is desirable to allow the image to be transmitted in a way that the text can be removed if so desired. Wada also understands the necessity of allowing the user to cancel or turn off the masking (column 3, lines 4-12, column 10, lines 34-39 and column 11, lines 21-24). Therefore it would have been obvious to one of ordinary skill in the art to use the privacy masking process of Wada with the flexible viewing/recording options of Rhodes in order to enable a user to view the image with or without masking according to need and with administrative privileges.

With regard to claim 2, Wada discloses a surveillance camera apparatus according to claim 1, wherein said position information obtained from said position input unit is superimposed on a vertical blanking period of said image signal obtained from said image pick-up unit in said image signal transmission apparatus (column 10, lines 5-9 and 25-34). Wada discloses coordinates of the masking superimposed on the image.

With regard to claim 3, Wada and Rhodes disclose a surveillance camera apparatus according to claim 1, and Rhodes discloses wherein said image signal reception apparatus further comprises a mode selector, and said controller selects at least one of a mode recording said image signal without masking into said recorder and a mode recording said image signal with masking into said recorder based on a selection signal from said mode selector (column 8, lines 32-50). Rhodes discloses allowing user selection of whether the text is inserted according to whether the masking is obscuring important image data.

With regard to claim 4, Rhodes discloses a surveillance camera apparatus according to claim 3, wherein said controller further comprises a security setting unit, and said mode recording said image signal without masking into said recorder is set by the control of said security setting unit (column 8, lines 32-50). Wada also discloses setting the masking with a password, which is interpreted as a security setting unit (column 11, lines 21-24 and 37-41).

With regard to claim 5, Wada and Rhodes disclose a surveillance camera apparatus according to claim 1, and Rhodes discloses wherein said image signal reception apparatus further comprises (column 2, lines 30-36),

a first selector for selectively recording into said recorder one of said image signal without masking and an image signal with masking a predetermined privacy-

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related image part from said image signal based on said position information (column 8, lines 32-50), and

a second selector for selectively outputting from said recorder said image signal without masking and said image signal with masking said predetermined privacy-related image part from said image signal based on said position information (column 8, lines 32-50).

Rhodes teaches (column 1, lines 45-52) that sometimes the text portions inserted on the video image sometimes, obscure important image data. Therefore it is desirable to allow the image to be transmitted in a way that the text can be removed if so desired. Wada also understands the necessity of allowing the user to cancel or turn off the masking (column 3, lines 4-12, column 10, lines 34-39 and column 11, lines 21-24). Therefore it would have been obvious to one of ordinary skill in the art to use the privacy masking process of Wada with the flexible viewing/recording options of Rhodes in order to enable a user to view the image with or without masking according to need and with administrative privileges.

With regard to claim 8-11, the discussions of claims 1 and 3-5 apply respectively. The combination of Wada and Rhodes teach the application of recording masked surveillance data with the option of removing the masked portions to enable viewing of such portions.

Final Rejection

6. Applicant's amendment necessitated the new grounds of rejection presented in the Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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8-21-07